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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STEPHEN EMBURY, M.D.,

Plaintiff,

vs.

TALMADGE E. KING, JR., M.D., LEE
GOLDMAN, M.D., J. MICHAEL BISHOP,
M.D., in their individual and official
capacities, THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, a public
corporation, and DOES 1 to 100, inclusive,

Defendants.

Case No. C 01-01448 CW

**ORDER GRANTING AS MODIFIED
STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: May 26, 2006

Time: 1:30 p.m.

Courtroom: 2

1 Plaintiff Stephen Embury ("plaintiff") and defendants Regents of the University of California,
2 Talmadge E. King, Lee Goldman and J. Michael Bishop ("defendants") (collectively referred to
3 as the "parties") through their respectively counsel stipulate as follows:

4 WHEREAS, the Case Management Conference in this action is presently scheduled for May 26,
5 2006;

6 WHEREAS, defendants Talmadge E. King, Jr., Lee Goldman and Michael Bishop's
7 ("defendants") Appeal of the Court's Order Denying Summary Judgment is currently pending
8 before the United States Court of Appeal for the Ninth Circuit (the "Appeal");

9 WHEREAS, the Court of Appeal issued a ruling on defendants' appeal on May 02, 2006;

10 WHEREAS, the plaintiff filed a Petition for Rehearing and Rehearing en Banc of the Court of
11 Appeal's ruling ("Petition for Rehearing") on May 16, 2006;

12 WHEREAS, the parties stipulate to continue the Case Management Conference to July 28, 2006
13 at 1:30 p.m., pending the Ninth Circuit's decision on the Petition for Rehearing.

14 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

15 That the Case Management Conference be continued to July 28, 2006, at 1:30 p.m. in Courtroom
16 2 of the above Court.

17 Dated: May 24, 2006 LAFAYETTE & KUMAGAI LLP

18 /S/ Susan T. Kumagai SUSAN T. KUMAGAI

19 Attorneys for Defendants

20 REGENTS OF THE UNIVERSITY OF
21 CALIFORNIA, TALMADGE E. KING, JR., M.D.,
LEE GOLDMAN, M.D. and J. MICHAEL BISHOP,
M.D.

22 Dated: May 24, 2006 BASSI, MARTINI & BLUM

23 /S/ Fred M. Blum

24 FRED M. BLUM

25 JULIE JARDINE

26 Attorneys for Plaintiff

27 STEPHEN EMBURY, M.D.

ORDER

The foregoing stipulation having been entered and good cause appearing therefore,

1 IT IS SO ORDERED AS MODIFIED: Counsel shall file on July 21, 2006, a Case
2 Management Statement with proposed dates, and, upon the filing of the Case Management
3 Statement, the Court will issue a scheduling order and no Case Management Conference
will be held.

4 DATED: May 30, 2006



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE